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GOVERNMENT OF SIKKIM
TRANSPORT DEPARTMENT
MOTOR VEHICLES DIVISION
GANGTOK

NO: 54 /MV/T **Dated : 31st Jan 2007.**

NOTIFICATION

Whereas the draft of the Sikkim Motor vehicles (Amendment) Rules, 2006 was published as required by sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988) in the Sikkim Government Gazette, Extraordinary No. 217 dated the 24th July 2006 under the Notification of the Government of Sikkim in the Motor Vehicles Division, Transport Department No. 43/MV/T dated: 20th July 2006 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of 45 days from the date on which the copies of the said notification as published in the Sikkim Government Gazette were made available to the public;

And whereas, the copies of the said notification were made available to the public on 17th August 2006 and 29th August 2006.

And whereas, objections and suggestions received on the said draft amendment rules have been examined and considered;

Now, therefore, in exercise of the powers conferred by section 28, 38, 65, 95, 96, 107, 111, 138 and 176 read with section 211 of the said Act, the State Government hereby makes the following rules, further to amend the Sikkim Motor Vehicles Rules, 1991 namely: -

Short title, extent and commencement.

1. (1) These rules may be called the Sikkim Motor Vehicles (Amendment) Rules, 2007.
(2) They shall extend to the whole of Sikkim.
(3) They shall come into force on such date as the State Government may by Notification appoint.

Insertion of new definition clause

2. In the Sikkim Motor Vehicle Rules, 1991, (hereinafter referred to as the said rules), in rule 2,: -
(1) after clause (g), the following clause shall be inserted, namely: -
"(ga). "hill roads" means all roads in Sikkim,"
(2) after clause (h), the following clause shall be inserted, namely: -
"(ha) "luxury tourist Vehicle" means those vehicles (motor cabs) whose price ranges from Rs. 6 Lakhs and above and the vehicle shall be fitted with AC, music system, power window and power steering etc."

Substitution of of rule 6 3. In the said rule for the existing rule 6, the following shall be substituted, namely:-

"**6. Authorisation for certain licenses for hill roads of Sikkim**-"No person who is in possession of a driving license issued from outside Sikkim (except those issued from hilly regions) shall drive a Transport vehicle (Light, Medium or Heavy) on the hill roads of Sikkim unless he obtains an authorisation to drive such vehicles from any Licensing Authority in Sikkim with a permission to drive upon the hill roads in Sikkim duly making an application and payment of Rs. 50/-. The authorization would be issued subject to his competence to drive on the hill roads."

Insertion of of new rule 6A and 6B 4. In the said rules, after rule 6, the following rules shall be inserted ,namely: -

6A. Certain condition for renewal of Transport driving license -

An application for renewal of Transport driving license may beside other requirements should enclose a certificate of passing a refresher course at any one of the recognized Driving Training School or from the Road Safety Cell of the Traffic Police.

6B. Authorisation to drive Luxury Tourist Vehicles-

No person shall drive a Luxury Tourist Vehicle unless he obtains an authorization from any Licensing Authority in Sikkim to drive such vehicles duly making an application and on payment of Rs. 50/-."

Insertion of sub-rule(2) in Rule 8 5. In the said rules, rule 8 shall be re-numbered as sub-rule (1) of that rule after that sub-rule (1) as so renumbered the following sub-rule shall be inserted, namely: -

"(2) Every application for driving license under sub-rule (1) of rule 14 of the Central Motor Vehicles Rules, 1989, in addition to the documents required under rule 4 of the Central Motor Vehicle Rules,1989 the applicant shall produce a certificate issued by the Officer-in-charge of the local police station or Panchayat under which the applicant resides verifying thereon the address of the applicant or a similar certificate from a Gazetted Officer, subject to the satisfaction of the Licensing Authority."

Amendment of rule 20 6. In the said rules for, sub-rule (iv) of rule 20, the following shall be substituted, namely: -

"(iv) shall be clean and properly dressed and shall not drive while wearing open sandle or chappal on."

Insertion of new rule 23(A) 7. In the said rules, after rule 23, the following rule shall be inserted, namely; -

"**23(A) Validity of the licence of Driving Schools and Establishments**: -

"The validity of the licence of the Driving Schools and Establishments shall be subject to fulfillment of "General conditions" prescribed under rule 27 of the Central Motor Vehicles rules, 1989, which shall be certified by the Licencing authority or any other competent authority on an annual basis."

Insertion of new rule 38A 8. In the said rules, after rule 38, the following rule shall be inserted, namely: -

"**38A.Enquiries to be made by the Registering Authority**: -

(1) Upon the receipt of an application for registration or for any other purpose under the Act, the registering authority shall make such enquiries as may be reasonably necessary to establish the identity, eligibility and bonafides of the applicant.

(2) Every application for registration under section 41 of the Act, where the document required under clause (e) of sub-rule (1) of rule 47 of the Central Motor Vehicles Rules, 1989, is not furnished shall also be accompanied by a certificate issued by the Officer-

in-charge of the local police station under which the applicant resides verifying thereon the address of the applicant or a similar certificate from an officer of the Central or State Government subject to the satisfaction of the registering authority.

(3) Every application for transfer of ownership of a motor vehicle under section 50 of the Motor Vehicles Act, 1988 shall also be accompanied by a sale-receipt issued by the transferor in the format as may be specified by order of the State Government."

Amendment of rule 39 9. In the said rules, for clauses (a), (b), (c), (d) and (e) of sub-rule (IA) of the rule 39, following shall be substituted, namely: -

"(a) Two wheelers	-	Rs. 100/-
(b) Light Motor Vehicle	-	Rs. 200/-
(c) Medium Motor Vehicle	-	Rs. 300/-
(d) Heavy Motor Vehicle	-	Rs. 400/-"

Amendment of of rule 93 10. In the said rules, in rule 93, for the existing sub-rule (2), the following shall be substituted, namely: -

"(2).Fee for grant and renewal of permit other than temporary and special permit: -

	(e) Luxury tourist vehicles (Motor cabs)		
	(For the whole of state of Sikkim)		
	(i) Initial grant of permit	—	Rs. 7000/- for 5 years.
	(ii) Renewal of permit	—	Rs. 6000/- for 5 years.
	(f) Tourist bus (All India).		
	(i) Initial grant of permit upto 15 seats including driver.		Rs.12000/-for 5 years.
	(ii) Renewal of permit		Rs.10000/-for 5 years.
(fa)	(i)Initial grant of permit beyond 15 seats and upto 27 seats including driver.		Rs.15000/-for 5 years.
	(ii) Renewal of permit	—	Rs.12000/-for 5 years.
	(g) Private service vehicle		
	grant and renewal of permit (All Sikkim)	—	Rs. 5000/-for 5 years.
	Private service vehicle (one district)	—	Rs. 1500/- for 5 years.

(h) Late fee.

The fees for renewal of route permits for all categories of motor vehicles shall be paid within a grace period of 15 days from the date on which fees become payable. The penalty shall be imposed after the expiry of the grace period. If the last date of the grace period is a Sunday or a public holiday, the fee shall be accepted without penalty on the next working day. The penalty payable shall be as under:

(i) After the expiry of 15 days (Grace period) the penalty shall be 50% on the fee prescribed.

(ii) After the expiry of 30 days the penalty payable shall be 100% on the fee prescribed.

Insertion of new Sub-rule 5 and 6 in rule 160 11. In the said rules, after sub-rule (4) of rule 160, the following sub-rules shall be inserted, namely: -

"(5) The State government may by Notification restrict the use of horns in certain areas or portions of the road.

(6) No motor vehicle shall use horn at night (between 10 p.m. and 6 a.m.) in residential areas except in exceptional circumstances."

Amendment of rule 177 12. In the said rules, after sub-rule (2) of rule 177, the following sub-rule shall be inserted, namely: -

(3) No radio set or cassette player, microphone or video set, T.V.set or any other apparatus to display any object on the screen with or without provision for amplification of any sound or voice etc. in a motor vehicle shall be operated in such a way as to be a nuisance to the public.

(4) No television set or video shall be fitted or kept on or near the dashboard of a motor car or other vehicles within the view of the driver.

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